

REMARKS

In the Office Action of June 28, 2003, the Examiner rejected claims 17, 18, 20, 21, 27-29, 31-37, 39, 40, 46-48, and 50-52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sperling et al. (U.S. Patent No. 5,815,246) in view of Nishi (U.S. Patent No. 5,477,304); rejected claims 19 and 39 under 35 U.S.C. 103(a) as allegedly being unpatentable over Sperling ('246) in view of Nishi ('304) as applied to claims 17 and 36 and further in view of Sasada (U.S. Patent No. 4,750,721); and rejected claims 23-26, 42-45 and 76-79 under 35 U.S.C. 103(a) as being allegedly unpatentable over Sperling ('246) in view of Nishi ('304) as applied to claims 17 and 36 and further in view of Tokuda et al. (U.S. Publication No. 2002/0054280).

By this Amendment, Applicants amend claims 17 and 36 and add new claims 82-92. Claims 17-29, 31-48, 50-52, and 76-82 are currently pending.

As an initial matter, Applicants again gratefully acknowledge the Examiner's indication of the allowance of claims 80 and 81 and the allowability of claim 22 and 41. However, because Applicants believe amended independent claims 17 and 36, from which claims 22 and 41 respectively depend, are patentable over the cited references, Applicants have not rewritten claims 22 and 41 into independent form at this time.

Applicants respectfully traverse the Examiner's rejection of claims 17, 18, 20, 21, 27-29, 31-37, 39, 40, 46-48, and 50-52 under 35 U.S.C. §103(a) as being unpatentable over Sperling et al. in view of Nishi. Neither reference, taken alone or in combination, teaches or suggests each and every element of independent claims 17 and 36. In particular, the applied references at least fail to disclose the claimed combination including "at least one bearing having a plurality of pressurized air layers."

Sperling et al. discloses a positioning device having, among other things, X-actuators 45, 47 and Y-actuators 49, a support body 43, and a carrier 63, as shown in Figs. 1-3. Sperling et al. further discloses that the support 43 is provided with three static gas bearings 71. See col. 9, lines 5-6.

Sperling et al., however, does not disclose or suggest “at least one bearing having a plurality of pressurized air layers.” Even assuming that the static gas bearings 71 include pressurized air, which Applicants do not necessarily concede, bearings 71 do not have a plurality of pressurized air layers. Accordingly, Sperling et al. fails to teach each and every element of amended independent claims 17 and 36.

The Examiner has relied on Nishi solely for the alleged teaching of “actuators located on the outer side surface of the stage to rotate the stage about the axis perpendicular to the plane of the stage.” Thus, the Examiner’s proposed combination of Sperling et al. and Nishi does not suggest each and every limitation of independent claims 17 and 36, and, therefore, claims 17 and 36 and their dependent claims are allowable over these references.

Applicants respectfully traverse the rejections of claims 19 and 38 under 35 U.S.C. 103(a) as being unpatentable over Sperling et al. in view of Nishi as applied to claims 17 and 36, and further in view of Sasada; and the rejections of claims 23-26, 42-45, and 76-79 under 35 U.S.C. 103(a) as being unpatentable over Sperling et al. in view of Nishi as applied to claims 17 and 36, and further in view of Tokuda et al. Even if Sasada and Tokuda et al. teach what the Examiner alleges (and Applicants do not necessarily agree that they do), these references fail to overcome the shortcomings of

the references discussed above. Therefore, claims 19, 23-26, 38, 42-45, and 76-79 are allowable at least due to their dependence from claims 17 and 36.

The outstanding Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization of the Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

David W. Hill

Dated: October 28, 2004

By: *Robert E. Conner* #27,432
David W. Hill
Reg. No. 28,220